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*Attorneys for Irving H. Picard, Esq., as Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

SIPA LIQUIDATION

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04398 (SMB)

Plaintiff,

v.

ELLERIN PARTNERSHIP, LTD.;

CHARLES ELLERIN REVOCABLE TRUST, in  
its capacities as GENERAL PARTNER and  
LIMITED PARTNER of the ELLERIN  
PARTNERSHIP, LTD.;

ESTATE OF CHARLES ELLERIN;

SHIRLEY ELLERIN, in her capacities as PERSONAL REPRESENTATIVE of the ESTATE OF CHARLES ELLERIN and TRUSTEE of the CHARLES ELLERIN REVOCABLE TRUST;

CHARLES ELLERIN IRREVOCABLE GIFT GIVING TRUST, in its capacity as LIMITED PARTNER of the ELLERIN PARTNERSHIP, LTD.;

ROBERT M. GRIFFITH, in his capacity as TRUSTEE of the CHARLES ELLERIN IRREVOCABLE GIFT GIVING TRUST; and

JANET WINTERS, INDIVIDUALLY as BENEFICIARY of the CHARLES ELLERIN IRREVOCABLE GIFT GIVING TRUST,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF DEFENDANT JANET WINTERS WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Janet Winters (“Defendant”), by and through her counsel, Bernfeld, DeMatteo and Bernfeld LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against Janet Winters.
2. On April 1, 2011, Defendant Janet Winters served an answer on the Trustee.
3. On April 1, 2011, Defendant Janet Winters also served a motion for summary

judgment on the Trustee, which was denied by this Court on March 14, 2012.

4. On May 15, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].

5. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendant Janet Winters in the above-captioned adversary proceeding.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 22, 2015

**BAKER & HOSTETLER LLP**

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*Attorneys for Irving H. Picard, Esq., as Trustee for*

*the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Estate of Bernard L. Madoff*

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*Attorneys for Defendant Janet Winters*

SO ORDERED

Dated: July 22<sup>nd</sup>. 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE